

Amendment No. 1 to HB0854

Lundberg
Signature of Sponsor

AMEND Senate Bill No. 711*

House Bill No. 854

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. This act shall be known and may be cited as the "Criminal Justice Veterans Compensation Act of 2015" or the "CJVC Act."

SECTION 2. Tennessee Code Annotated, Title 16, is amended by adding Sections 3 through 9 as a new chapter 6.

SECTION 3. The general assembly finds that:

(1) Establishing specialized veterans treatment courts that adhere to uniform guidelines will meet the specialized problems faced by veterans involved in the criminal justice system; and

(2) It is necessary to create and fund a program to facilitate the implementation of new, and the continuation of, existing veterans treatment court programs.

SECTION 4. As used in this chapter:

(1) "Nonadversarial approach" means that the district attorney general and the defense attorney work together for the benefit of the veterans treatment court program participants and the program; and

(2) "Veterans treatment court program" means a stand-alone veterans treatment court program established by a judge of a court of this state exercising criminal jurisdiction or a veterans court track created within an existing certified drug court.

SECTION 5. A veterans treatment court program shall have the same powers as the court that created it. Any disagreements shall be resolved prior to court and not in front of the participants.

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SECTION 6. All veterans treatment court programs in this state shall be established and operated according to the following ten (10) key components as adopted by the National Clearinghouse for Veterans Treatment Courts at the National Association of Drug Court Professionals:

- (1) Veterans treatment courts integrate alcohol and drug treatment and mental health services with justice system case processing;
- (2) Veterans treatment courts promote public safety while protecting participants' due process rights by prosecution and defense counsel using a nonadversarial approach;
- (3) Veterans treatment courts identify eligible participants early and promptly place them in the veterans treatment court program;
- (4) Veterans treatment courts provide access to a continuum of alcohol, drug, mental health, and other related treatment and rehabilitation services;
- (5) Veterans treatment courts monitor abstinence by frequent alcohol and other drug testing;
- (6) Veterans treatment courts establish a coordinated strategy to govern responses to participants' compliance;
- (7) Veterans treatment courts maintain ongoing judicial interaction with each veteran as an essential component of the program;
- (8) Veterans treatment courts utilize monitoring and evaluation to measure the achievement of program goals and gauge effectiveness;

(9) Veterans treatment courts employ continuing interdisciplinary education and training to promote effective veterans treatment court planning, implementation, and operations; and

(10) Veterans treatment courts forge partnerships among the court, the veterans administration, public agencies, and community-based organizations to generate local support and enhance veterans treatment court effectiveness.

SECTION 7. The department of mental health and substance abuse services shall administer veterans treatment court programs by:

(1) Defining, developing, and gathering outcome measures for veterans treatment court programs, established by this chapter;

(2) Collecting, reporting, and disseminating veterans court treatment program data;

(3) Supporting a state veterans treatment mentor program;

(4) Sponsoring and coordinating state veterans treatment court program training;

(5) Awarding, administering, and evaluating state veterans treatment court program grants;

(6) Developing standards of operation for veterans treatment court programs to ensure there is a significant population of veterans in the criminal justice system willing to volunteer to participate in veterans treatment court programs so that funds are allocated to meet the greatest need; and

(7) Establishing three (3) veterans treatment court advisory committee member positions on the drug court advisory committee established by § 16-22-108.

SECTION 8. Through the department of mental health and substance abuse services, a court exercising criminal jurisdiction within this state or a veterans treatment court program may apply for veterans treatment court program grant funds established in § 16-22-109(d)(4), if funds are available, to:

(1) Fund a full-time or part-time program director position;

(2) Fund veterans treatment court program staff whose job duties are directly related to program operations;

(3) Fund substance abuse treatment, mental health treatment, and other direct services for veterans treatment court program participants;

(4) Fund drug testing;

(5) Fund program costs directly related to program operations; and

(6) Implement or continue veterans treatment court program operations.

SECTION 9. The department of mental health and substance abuse services veterans treatment court program grant awards shall not be:

(1) Used to pay for costs not directly related to veterans treatment court program operations;

(2) Made to any court that does not agree to operate its veterans treatment court program in accordance with the principles set out in this chapter;

(3) Used for construction or land acquisition;

(4) Used to pay bonuses or commissions to any individuals or organizations; or

(5) Used to form a corporation.

SECTION 10. Tennessee Code Annotated, Section 16-22-109, is amended by deleting the language "seventy-five dollars (\$75.00)" in subsections (a) and (c) and substituting instead the language "one hundred thirty dollars (\$130)".

SECTION 11. Tennessee Code Annotated, Section 16-22-109(d), is amended by deleting the subsection and substituting instead the following:

(d)

(1) This assessment shall be subject to § 8-21-401 and shall be in addition to all other taxes, costs, and fines.

(2) The first ten dollars (\$10.00) of each such assessment shall be paid to the clerks of the court imposing the assessment, who shall transfer it to the state treasurer, who shall credit it to the general fund and earmark it for use by

the department of mental health and substance abuse services for funding drug court treatment program and veterans treatment court program administration.

(3) The revenue generated by seventy dollars (\$70.00) of each such assessment shall be deposited by the clerk of the collecting court into a dedicated county fund and used by the county exclusively for the creation and maintenance of state drug court treatment programs as defined in § 16-22-104; provided, that this fund shall not revert to the county general fund at the end of the fiscal year, but shall remain for the purposes set out in this subdivision (d)(3). In the event no drug court treatment program operates in a county, the remainder of the funds from that county shall be remitted annually in full to the state to be placed in the drug court treatment program resources fund to be administered by the department of mental health and substance abuse services, in accordance with § 16-22-110.

(4) The remaining fifty dollars (\$50.00) of each such assessment shall be deposited by the clerk of the collecting court into a dedicated county fund and used by the county exclusively for the operation and maintenance of veterans treatment court programs in the county; provided, that this fund shall not revert to the county general fund at the end of the fiscal year, but shall remain for the purposes set out in this subdivision (d)(4). In the event no veterans treatment court program operates in a county, the remainder of the funds from that county shall be remitted annually in full to the state, deposited in a separate account in the general fund, and designated for the exclusive use of the department of mental health and substance abuse services to assist existing veterans treatment court programs and to create and establish veterans treatment court programs in areas of this state that have a significant veteran population involved in the criminal justice system. The department is not required to distribute money to any county that operates or establishes a veterans treatment court program that

does not operate according to the ten (10) key components or, for which program, the judge or other court professionals have not completed nationally recognized training and state certification as established by the department.

(5) The comptroller's regular audit of a local government shall also include the dedicated county funds established by this section.

(6) As used in this subsection (d), "veterans treatment court program" has the same meaning as defined in chapter 6 of this title.

SECTION 12. Tennessee Code Annotated, Section 16-22-105, is amended by deleting the language "department of finance and administration, office of criminal justice programs," and by substituting instead the language "department of mental health and substance abuse services".

SECTION 13. Tennessee Code Annotated, Section 16-22-106, is amended by deleting the language "office of criminal justice programs" and substituting instead the language "department of mental health and substance abuse services".

SECTION 14. Tennessee Code Annotated, Section 16-22-107, is amended by deleting the language "Office of criminal justice program" and substituting instead the language "Department of mental health and substance abuse services".

SECTION 15. Tennessee Code Annotated, Section 16-22-108, is amended by deleting the language "office of criminal justice programs" and substituting instead the language "department of mental health and substance abuse services".

SECTION 16. This act shall take effect July 1, 2015, the public welfare requiring it.